

DANIEL R. WILSON
Measure & Wilson, P.C.
24 First Avenue East, Suite C
P.O. Box 918
Kalispell, MT 59903
Phone: (406) 752-6373
Fax: (406) 752-7168
Email: pcr@measurelaw.com
Attorney for Defendant/Movant
Marion Hungerford

JAMES E. SEYKORA
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 1478
Billings, MT 59103
Phone: (406) 657-6101
FAX: (406) 657-6989
Email: jim.seykora@usdoj.gov
Attorney for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,)	Cause No. CR 03-74-BLG-RFC
)	
Plaintiff/Respondent,)	
)	
vs.)	
)	
MARION HUNGERFORD,)	JOINT MOTION TO REOPEN
)	CRIMINAL CASE
Defendant/Movant.)	
)	
)	

COME NOW Defendant/Movant Marion Hungerford and Plaintiff United States of America, by and through their respective attorneys of record, and move jointly to reopen the criminal case pursuant to the SETTLEMENT AGREEMENT (document number 272) filed on October 12, 2010, and to effectuate the terms of said agreement.

In support of this motion the undersigned attorneys stipulate and agree as follows:

1. The Court may find sufficient factual basis in the record to grant Ms. Hungerford's "Motion Under 18 U.S.C. § 2255" filed May 14, 2008, under cause numbers CR 03-74-BLG-RFC and CV 08-69-BLG-RFC (document number 213-4).
2. The Court should grant the Motion Under 18 U.S.C. § 2255 for the limited purpose of vesting itself with authority to modify the imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(B) and to permit Plaintiff to move to vacate the sentences and dismiss the various, corresponding counts of conviction pursuant to 28 U.S.C. § 2255, all as described in the parties' SETTLEMENT AGREEMENT.
3. These actions requested by the parties are consistent with the terms and intent of the parties' SETTLEMENT AGREEMENT, which would otherwise require

that Ms. Hungerford move to dismiss with prejudice her § 2255 motion, because they are deemed necessary by the parties both to vest the Court with authority to modify the original sentence and to permit Plaintiff to move to vacate various sentences and dismiss with prejudice the corresponding counts of conviction to satisfy the Plaintiff's obligations under the SETTLEMENT AGREEMENT.

RESPECTFULLY SUBMITTED: October 14, 2010.

MICHAEL W. COTTER
United States Attorney

/s/ Daniel R. Wilson
DANIEL R. WILSON
Attorney for Defendant/Movant
Marion Hungerford

/s/ James E. Seykora
JAMES E. SEYKORA
Assistant U.S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2010, a copy of the foregoing document was served on the following persons by the following means:

1,2 CM/ECF
 Hand Delivery
3 Mail
 Overnight Delivery Service
 Fax
 E-Mail

1. Clerk of District Court
2. James E. Seykora
Assistant U.S. Attorney
P.O. Box 1478
Billings, MT 59103
3. Marion Hungerford, 07730-046
FCI DUBLIN
FEDERAL CORRECTIONAL INSTITUTION
5701 8TH ST - CAMP PARKS
Dublin, CA 94568

/s/ Daniel R. Wilson
Daniel R. Wilson
Attorney for Defendant/Movant
Marion Hungerford